

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

In re:
LISA DARLENE EVANS,

Case No. 18-73222-FJS
Chapter 13

Debtor.

AMENDED¹ MOTION TO DISMISS AND NOTICE OF HEARING

COMES NOW R. Clinton Stackhouse, Jr., Chapter 13 Trustee (the “**Trustee**”), and moves to dismiss this case. In support of this amended motion, the Trustee states as follows:

1. Lisa Darlene Evans (the “**Debtor**”), filed a voluntary petition for bankruptcy relief under Chapter 13 of Title 11 of the United States Code in this Court on September 12, 2018. Relief was ordered. The Trustee was appointed in this case and continues to serve in that capacity.

2. On September 18, 2018, the Debtor filed her original plan (the “**Original Plan**”), which was confirmed by the Court on December 12, 2018.

3. On February 1, 2019, the Debtor filed an amended plan (the “**Amended Plan**”), which was confirmed by the Court on March 15, 2019.

4. On May 16, 2019, and again on June 26, 2019, the Trustee requested copies of the Debtor’s tax returns for year ending 2018 (the (“**2018 Tax Returns**”).

5. On September 26, 2019, the Trustee filed a Motion to Dismiss (the “**Motion**”) for failure to cooperate in the administration of this case.

¹ This Motion is being amended to include the Debtor’s failure to pledge all disposable income.

R. Clinton Stackhouse, Jr. VSB No. 19358
Chapter 13 Trustee
7021 Harbour View Blvd., Suite 101
Suffolk, VA 23435
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(757) 333-3434 Facsimile

6. On October 3, 2019, the Debtor, by counsel, provided the requested 2018 Tax Returns.

7. According to the 2018 Tax Returns, the Debtor's combined wages and pension income totaled \$148,413.00, or \$12,367.75 per month.

8. According to Schedule I, submitted in support of the Original Plan and the Amended Plan, the Debtor's gross monthly wages, amortized bonus and income from her ex-husband's pension total \$11,469.56 per month.

9. Based upon the above, it appears that since the filing of this case, the Debtor has been making approximately \$898.19 more each month than what was listed in her budget.

10. As of the date of this amended Motion, the Debtor has not filed amendments with the Court modifying or disclosing the current status of her income.

11. Based upon the above, the Debtor is not proceeding good faith due to her failure to disclose the current status of her income to the Court, and pledge all disposable income.

For the foregoing reasons, the Trustee prays that this case be dismissed, and for such other relief as this Court may deem just under the circumstances.

NOTICE OF HEARING ON AMENDED MOTION TO DISMISS

Your rights may be affected. You should read these papers carefully and discuss them with you attorney, if you have one in this bankruptcy case. (if you do not have an attorney, you may wish to consult one.) If you do not want the Court to dismiss your case or if you want the Court to consider your views on the Motion, then you and your attorney must:

ATTEND THE HEARING SCHEDULED TO BE HELD:

at United States Bankruptcy Court on November 5, 2019 at 11:30 a.m.
600 Granby Street, 4th Floor
Courtroom Two
Norfolk, Virginia 23510

to consider and act upon the Amended Motion to Dismiss filed by the Chapter 13 Trustee.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Amended Motion and may enter an order granting relief.

R. Clinton Stackhouse, Jr.
Chapter 13 Trustee

/s/ R. Clinton Stackhouse, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 2019, I will electronically file the foregoing Amended Motion with the Clerk using the CM/ECF system, which will then send electronic notification of such filing to Christopher M. Baker, Esq., counsel for the Debtor, to those parties designated to receive service via the Court's ECF, and that a true copy was mailed, first class, postage prepaid to:

Lisa Darlene Evans 3905
Winwick Way
Virginia Beach, VA 23456

/s/ R. Clinton Stackhouse, Jr.
